

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*Marion Diagnostic Center, LLC, et al. v.
McKesson Corporation, et al.*

**MDL 2724
16-MD-2724**

HON. CYNTHIA M. RUFE

Civil Action No. 18-4137

ORDER

AND NOW, this 26th day of June 2019, upon consideration of the Motion to Dismiss by Defendants McKesson Corporation and McKesson Medical Surgical, Inc. (collectively, “McKesson”) [Doc. No. 44] and the opposition of Plaintiff Marion Diagnostic Center, LLC and Marion Healthcare, LLC (collectively “Marion”), and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that the Motion is **GRANTED**. Counts I through XXX of Marion’s Second Amended Complaint are **DISMISSED** as against McKesson.

It is further **ORDERED** that if Marion can allege sufficient facts to state a claim against McKesson, Marion may seek leave to amend its claims against McKesson by filing a motion for leave within 30 days of the Court’s disposition of the last of the remaining motions to dismiss that are now pending in Civil Action No. 18-4137.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.